

**Commonwealth of Kentucky  
Natural Resources and Environmental Protection Cabinet  
Department for Environmental Protection  
Division for Air Quality  
803 Schenkel Lane  
Frankfort, Kentucky 40601  
(502) 573-3382**

**Title V  
AIR QUALITY PERMIT  
Issued under 401 KAR 52:020**

**Permittee Name:** Jim Beam Brands Company, Inc.  
**Mailing Address:** 1600 Lebanon Junction Road; Boston, Kentucky 40107

**Source Name:** Same as above  
**Mailing Address:** Same as above

**Source Location:** 1600 Lebanon Junction Road; Boston, Kentucky 40107

**Permit Number:** V-03-009  
**Log Number:** F469/50273  
**Review Type:** Title V/Operating  
**Source ID #:** 21-179-00014

**Regional Office:** Frankfort Regional Office  
643 Teton Trail, Suite B  
Frankfort, KY 40601-1758  
(502) 564-3358

**County:** Nelson

**Application**  
**Complete Date:** February 13, 1998  
**Issuance Date:** July 9, 2003  
**Expiration Date:** July 9, 2008

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**John S. Lyons, Director  
Division for Air Quality**

## TABLE OF CONTENTS

SECTION	DATE OF ISSUANCE	PAGE
A. PERMIT AUTHORIZATION	July 9, 2003	1
B. EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS	July 9, 2003	2
C. INSIGNIFICANT ACTIVITIES	July 9, 2003	17
D. SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS	July 9, 2003	18
E. SOURCE CONTROL EQUIPMENT OPERATING REQUIREMENTS	July 9, 2003	19
F. MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS	July 9, 2003	20
G. GENERAL PROVISIONS	July 9, 2003	23
H. ALTERNATE OPERATING SCENARIOS	July 9, 2003	28
I. COMPLIANCE SCHEDULE	July 9, 2003	29

## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

**Emissions Unit 01 (01-001, 01-005) Grain Handling Operations**  
**Emissions Unit 10 (06) Unpaved Roads**

### **Description:**

Equipment includes: Grain unloading/grain loading/grain transfer and paved/unpaved roads receiving hopper, conveyors with baghouse, grain mills (hammer milling)

Maximum operating rate for grain unloading and loading: 80 tons/hr

Construction commenced before 1972

### **APPLICABLE REGULATIONS:**

Regulation 401 KAR 63:010, Fugitive Emissions

### **Applicable Requirements:**

- a) Pursuant to Regulation 401 KAR 63:010, Section 3, reasonable precautions shall be taken to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, when applicable, but are not limited to the following:
  1. Application and maintenance of asphalt, water, or suitable chemicals on roads, material stockpiles, and other surfaces which can create airborne dusts.
  2. Installation and utilization of hoods, fans, and fabric filters to enclose and vent the emissions generated from the processing of dust generating materials, or use of water sprays or other measures to suppress the dust emissions during handling.
- b) Pursuant to Regulation 401 KAR 63:010, Section 3, discharge of visible fugitive emissions beyond the property line is prohibited.

### **1. Operating Limitations:**

None

### **2. Emission Limitations:**

None

### **3. Testing Requirements:**

None

### **4. Specific Monitoring Requirements:**

The permittee shall monitor the amount of grain received and processed on a monthly basis.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**5. Specific Record Keeping Requirements:**

Records of grain received and processed shall be maintained on a monthly basis.

**6. Specific Reporting Requirements:**

See Section F.

**7. Specific Control Equipment Operating Conditions:**

None

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Emissions Unit 01A (01-002, 01-004 & 01-006) Grain Handling Operations**

**Description:**

Equipment includes: Receiving hopper, covered conveyors to storage silos and bins with baghouse, grain mills (hammer milling)

Control equipment: Covered bucket elevators and belts - emission point 01-002

Receiver cyclones - emission point 01-004

Bag filters - emission point 01-006

Maximum operating rate: 80 tons/hr

Construction commenced before 1972

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 61:020, Existing process operations, for emissions unit commenced before July 2, 1975

**1. Operating Limitations:**

None

**2. Emission Limitations:**

a) Pursuant to Regulation 401 KAR 61:020, Section 3(2), particulate matter emissions into the open air shall not exceed  $[55 (P)^{0.11} - 40]$  pounds per hour based on three-hour average where P is the operating rate in tons per hour.

b) Pursuant to Regulation 401 KAR 61:020, Section 3(1)(a), any continuous emission(s) into the open air shall not equal or exceed forty (40) percent opacity.

**3. Testing Requirements:**

None

**4. Specific Monitoring Requirements:**

The permittee shall monitor the amount of grain received and processed on a monthly basis.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**5. Specific Record Keeping Requirements:**

Records of grain received and processed shall be maintained on a monthly basis.

**6. Specific Reporting Requirements:**

See Section F.

**7. Specific Control Equipment Operating Conditions:**

- a) The baghouse used to control emissions shall be operated as necessary to maintain compliance with applicable requirements in accordance with manufacturer's specifications and/or standard operating practices.
- b) Records regarding the maintenance of the baghouse shall be maintained.
- c) See Section E.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Emissions Unit 02 (02-001) Fermentation Process**

**Description:**

Equipment includes: Fermentation, distilling process and peripheral equipment  
Construction commenced: 1975

**APPLICABLE REGULATIONS:**

None

**1. Operating Limitations:**

None

**2. Emission Limitations:**

None

**3. Testing Requirements:**

None

**4. Specific Monitoring Requirements:**

The permittee shall monitor the amount of alcohol processed on a monthly basis.

**5. Specific Record Keeping Requirements:**

Records of alcohol production processed shall be maintained on a monthly basis.

**6. Specific Reporting Requirements:**

See Section F.

**7. Specific Control Equipment Operating Conditions:**

None

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Emissions Unit 03 (03-001) Spent Stillage**

**Description:**

Equipment includes: spent stillage tanks, centrifuges, and evaporators  
Construction commenced before 1972

**APPLICABLE REGULATIONS:**

None

**1. Operating Limitations:**

None

**2. Emission Limitations:**

None

**3. Testing Requirements:**

None

**4. Specific Monitoring Requirements:**

The permittee shall monitor the amount of spent stillage processed on a monthly basis.

**5. Specific Record Keeping Requirements:**

Records of spent stillage processed shall be maintained on a monthly basis.

**6. Specific Reporting Requirements:**

See Section F.

**7. Specific Control Equipment Operating Conditions:**

None

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****Emissions Unit 04 (03-002 & 03-003) Spent Grain Drying****Description:**

Equipment includes: Natural gas fired turbo-venturi dryer and process cyclone collectors  
Dryer rating: 17.5 MMBTU/hour  
Secondary fuel: Propane  
Control equipment: Scrubber and Wet Electrostatic Precipitator  
Maximum operating rate: 3.97 tons/hr distiller's dried grain  
Construction commenced on or before 1972

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 61:020, Existing process operations, applicable to an emission unit that commenced prior to July 2, 1975.

**1. Operating Limitations:**

None

**2. Emission Limitations:**

- a) Pursuant to Regulation 401 KAR 61:020, Section 3(2)(a), particulate emissions into the open air shall not exceed  $[4.10(P)^{0.67}]$  lbs/hour based on a three-hour-average where P is the processing rate in tons/hour. Compliance with the allowable particulate standard may be demonstrated by calculating particulate emissions using grain processing rate, emission factor information, and cyclone control efficiency as follows:

$$\text{PM Emissions (lbs/hour) from grain drying} = (3.0 \text{ lb/ton}^*) \times (\% \text{ efficiency}^{**}) \times (\text{grain processing averaged weekly in tons/hour})$$

\* = (the AP-42 emission factor)

\*\* = (1-the cyclone efficiency) x (1-the scrubber efficiency) x (1-the wet ESP efficiency)

- b) Pursuant to Regulation 401 KAR 61:020, Section 3(1)(a), visible emissions shall not equal or exceed 40% opacity based on a six-minute-average.

**3. Testing Requirements:**

See subsection 4

**4. Specific Monitoring Requirements:**

- a) The permittee shall perform a qualitative visual observation of the opacity of emissions from the stack on a weekly basis and maintain a log of the observations. If any visible emissions are seen, then opacity must be determined by U.S. EPA Reference Method 9 and initiate an inspection of the control equipment for any necessary repairs.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- b) The permittee shall monitor the grain processing rate, hours of operation and fuels usage on a weekly basis.
- c) The permittee shall monitor the static pressure drop, liquid flow rate, and flue gas exit temperature of the scrubber on an hourly basis.
- d) The permittee shall monitor the pressure drop across the unit, voltage across the plates, and flue gas exit temperature of the wet ESP on an hourly basis.

**5. Specific Record Keeping Requirements:**

- a) Turbo-venturi dryer records of weekly grain processed, hours of operation and amount of natural gas and propane burned shall be maintained.
- b) Records regarding the maintenance of the cyclone, the scrubber and the electrostatic precipitator shall be maintained.
- c) Records of the static pressure drop, scrubber liquid flow rate, and exit flue gas temperature of the scrubber shall be maintained on an hourly basis.
- d) Records of the pressure drop across the unit, voltage across the plates, and flue gas exit temperature of the wet ESP shall be maintained on an hourly basis.

**6. Specific Reporting Requirements:**

See Section F.

**7. Specific Control Equipment Operating Conditions:**

- a) The cyclone, scrubber, and wet electrostatic precipitator shall be operated as necessary to maintain compliance with permitted emission limitations in accordance with manufacturer's specifications and/or standard operating practices.
- b) See Section E.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Emissions Unit 05 (03-004 & 03-005) Distiller's Dried Grain Cyclones & DDG Loading**

**Description:**

Equipment includes: Two Silos and process cyclones - construction commenced before 1971  
One Silo and process cyclone - construction commenced after 1991.  
Maximum operating rate: 3.97 tons/hr distiller's dried grain

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 61:020, Existing process operations, applicable to an emission unit that commenced before July 2, 1975.

Regulation 401 KAR 59:010, New process operations, applicable to an emission unit that commenced on or after July 2, 1975.

**1. Operating Limitations:**

None

**2. Emission Limitations:**

- a) Pursuant to Regulation 401 KAR 61:020, Section 3(2), particulate emissions into the open air shall not exceed  $[4.10(P)^{0.67}]$  lbs/hour based on a three-hour-average where P is the processing rate in tons/hour. Compliance with the allowable particulate standard may be demonstrated by using the following equation:

$$\text{PM Emissions (lbs/hour) from grain drying} = (0.30 \text{ lb/ton}^*) \times (\text{grain processing averaged weekly in tons/hour})$$

\* (which is the AP-42 emission factor)

- b) Pursuant to Regulation 401 KAR 61:020, Section 3(1)(a), visible emissions shall not equal or exceed 40% opacity based on a six-minute-average.

- c) Pursuant to Regulation 401 KAR 59:010, Section 3(2), particulate emissions into the open air shall not exceed  $[3.59(P)^{0.62}]$  lbs/hour based on a three-hour-average where P is the processing rate in tons/hour. Compliance with the allowable particulate standard may be demonstrated by using the following equation:

$$\text{PM Emissions (lbs/hour) from grain drying} = (0.30 \text{ lb/ton}^*) \times (\text{grain processing averaged weekly in tons/hour})$$

\* (which is the AP-42 emission factor)

- d) Pursuant to Regulation 401 KAR 59:010, Section 3(1)(a), any continuous emissions into the open air shall not equal or exceed 20% opacity based on a six-minute-average.

**3. Testing Requirements:**

The permittee shall determine the opacity of emissions from the stack using US EPA Reference Method 9 annually, or more frequently if requested by the Division.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**4. Specific Monitoring Requirements:**

- a) The permittee shall perform a qualitative visual observation of the opacity of emissions from the stack on a weekly basis and maintain a log of the observations. If any visible emissions are seen, then opacity must be determined by U.S. EPA Reference Method 9 and initiate an inspection of the control equipment for any necessary repairs.
- b) The permittee shall monitor the grain processing rate and hours of operation on a weekly basis.

**5. Specific Record Keeping Requirements:**

- a) Records of weekly grain processed and weekly hours of operation shall be maintained.

**6. Specific Reporting Requirements:**

See Section F.

**7. Specific Control Equipment Operating Conditions:**

None

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Emissions Unit 06 (04-002) Barrel Filling, Aging, and Dumping**

**Description:**

Equipment includes: Barrel filling stations, product aging in warehouses, and barrel dumping  
Construction commenced before 1971.

**APPLICABLE REGULATIONS:**

None

**1. Operating Limitations:**

None

**2. Emission Limitations:**

None

**3. Testing Requirements:**

None

**4. Specific Monitoring Requirements:**

The permittee shall monitor the number of barrels stored and filled on a yearly basis.

**5. Specific Record Keeping Requirements:**

A record of the number of barrels stored and filled on a yearly basis shall be maintained.

**6. Specific Reporting Requirements:**

See Section F.

**7. Specific Control Equipment Operating Conditions:**

None

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****Emissions Unit 07 (05-002) & 08 (05-003) Two Indirect Heat Exchangers****Description:**

Horizontally-opposed-#6-oil-fired indirect heat exchanger  
Secondary fuel: #2 fuel oil  
Maximum continuous rating: (Two) 35 MMBtu/hr, each  
Construction commenced before 1972

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 61:015, Existing indirect heat exchangers, applicable to an emissions unit with a capacity of less than 250 MMBtu/hour which commenced before April 9, 1972.

**1. Operating Limitations:**

None

**2. Emission Limitations:**

- a) Pursuant to Regulation 401 KAR 61:015, Section 4(1), particulate emissions shall not exceed 0.409 lb/MMBtu based on a three-hour average.

The permittee may assure compliance with the particulate standard by calculating particulate emissions using the following formulas.

When combusting #6 oil:

Particulate emission = [(10 lbs/10<sup>3</sup> gallon\*) divided by (Heating value of #6 oil in mmBtu/10<sup>3</sup> gallon)]

\* (which is the AP-42 emission factor)

When combusting #2 fuel oil:

Particulate emission = [(2 lbs/10<sup>3</sup> gallon\*) divided by (Heating value of fuel in mmBtu/10<sup>3</sup> gallon)]

\* (which is the AP-42 emission factor)

- b) Pursuant to Regulation 401 KAR 61:015, Section 4(3), emissions shall not exceed 40 percent opacity.
- c) Pursuant to Regulation 401 KAR 61:015, Section 5(1), sulfur dioxide emissions shall not exceed 4.32 lbs/MMBtu based on a twenty four-hour average.

The permittee may assure compliance with the sulfur dioxide standard by calculating sulfur dioxide emissions using the following formulas.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

When combusting #6 fuel oil:

Sulfur dioxide emissions = [(157 lb/10<sup>3</sup> gallon\* x \*\*) divided by (Heating value of fuel oil in mmBtu/10<sup>3</sup> gallon)].

\* (which is the AP-42 emission factor)

\*\* (percent sulfur in fuel)

When combusting #2 fuel oil:

Sulfur dioxide emissions = [(142 lb/10<sup>3</sup> gallon\*x \*\*) divided by (Heating value of fuel oil in mmBtu/10<sup>3</sup> gallon)]

\* (which is the AP-42 emission factor)

\*\* (percent sulfur in fuel)

**3. Testing Requirements:**

- a) The permittee shall determine the opacity of emissions from the stack using U.S. EPA Reference Method 9 annually, or more frequently if requested by the Division.
- b) The permittee shall for both fuels (#6 and #2 fuel oils) conduct a performance test for particulate emissions within two years from the issuance of this permit to demonstrate compliance with the particulate standard.

**4. Specific Monitoring Requirements:**

- a) The permittee shall monitor the heating value and sulfur content of each type of fuel oil combusted whenever a new shipment of fuel oil received. The permittee may use certification from the fuel supplier to satisfy this requirement.
- b) The permittee shall monitor the amount of each type of fuel combusted on a daily basis as stated in 401 KAR 60:015 Section 6.

**5. Specific Record Keeping Requirements:**

- a) The permittee shall maintain the records of the amount of each type of fuel combusted on a daily basis as stated in 401 KAR 61:015 Section 6.
- b) The permittee shall maintain the records of heating value and sulfur content for each type of fuel oil combusted on a weekly basis as stated in 401 KAR 61:015 Section 6.

**6. Specific Reporting Requirements:**

See Section F.

**7. Specific Control Equipment Operating Conditions:**

None

## SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emissions Unit **09 (05-007)** **Indirect Heat Exchanger**

### Description:

Spreader stoker coal-fired indirect heat exchanger with fly ash reinjection

Control Equipment: Cyclones

Maximum continuous rating: 65 MMBtu/hr

Construction commenced before 1972

### APPLICABLE REGULATIONS:

Regulation 401 KAR 61:015, Existing indirect heat exchangers, applicable to an emissions unit with a capacity of less than 250 MMBtu/hour which commenced before April 9, 1972.

#### 1. Operating Limitations:

None

#### 2. Emission Limitations:

- a) Pursuant to Regulation 401 KAR 61:015, Section 4(1), particulate emissions shall not exceed 0.409 lb/MMBtu based on a three-hour average.

The permittee may assure compliance with the particulate standard by calculating particulate emissions using the following formula:

$$[(17.0 \text{ lbs/ton}^*) \div (13,456 \text{ Btu/lb}^{**})] \div (2000 \text{ lb/ton}) \times [1,000,000 \text{ Btu/MMBtu}] \times [1 - (***/100)]$$

\* = Emission factor from AP-42 table 1.1-4

\*\* = 13,456 is the coal's heating value in Btu/lb by Jim Beam Co.

\*\*\* = Cyclone Control Efficiency

- b) Pursuant to Regulation 401 KAR 61:015, Section 4(3), emissions shall not exceed 40 percent opacity except that a maximum of sixty (60) percent opacity shall be permissible for not more than six (6) consecutive minutes in any sixty (60) consecutive minutes during cleaning the fire box or blowing soot.

- c) Pursuant to Regulation 401 KAR 61:015, Section 5(1), sulfur dioxide emissions shall not exceed 6.48 lbs/MMBtu based on a twenty four-hour average.

The permittee may assure compliance with the sulfur dioxide standard by calculating sulfur dioxide emissions using the following formula:

$$[(38 \text{ lb/ton}^* \times .86^{**}) \div (13,456 \text{ Btu/lb}^{***})] \div (2000 \text{ lb/ton}) \times [1,000,000 \text{ Btu/MMBtu}]$$

\* = Emission factor which is from AP-42

\*\* = percent sulfur in coal by Jim Beam Co.

\*\*\* = 13,456 is the coal's heating value in Btu/lb by Jim Beam Co.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**3. Testing Requirements:**

- a) The permittee shall perform at least one performance test for particulate emissions within two years from the issuance of this permit to demonstrate compliance with the particulate standard.
- b) When the unit is in operation, the permittee shall read, weather permitting, the opacity of emissions using U.S. EPA Reference Method 9 once per daylight shift.

**4. Specific Monitoring Requirements:**

- a) The permittee shall monitor the heating value, ash and sulfur content of coal by performing analysis on each shipment of coal received.
- b) In accordance with Regulation 401 KAR 61:015, Section 6 (3), the permittee shall monitor the amount of fuel combusted on a daily basis.

**5. Specific Record Keeping Requirements:**

- a) The permittee shall maintain the records of the amount of coal fired only fuel combusted on a daily basis as stated in 401 KAR 61:015 Section 6.
- b) The permittee shall maintain the records of heating value and sulfur content for coal combusted on a weekly basis as stated in 401 KAR 61:015 Section 6.
- c) The permittee shall maintain the records of the emissions opacity.

**6. Specific Reporting Requirements:**

See Section F.

**7. Specific Control Equipment Operating Conditions:**

- a) The cyclones shall be operated as necessary to maintain compliance with permitted emission limitations in accordance with manufacturer's specifications and/or standard operating practices.
- b) Records regarding the maintenance of the cyclones shall be maintained.
- c) See Section E.

**SECTION C - INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Application Emission Point No.</u>	<u>Description</u>	<u>Generally Applicable Regulation</u>
01-002	Grain Unloading	401 KAR 61:020
01-003	Grain Transfer w/Baghouse	401 KAR 61:020
01-004	Grain Cyclones	401 KAR 61:020
01-006	Grain Silos	401 KAR 61:020
02-002	Still	NA
02-003	Converter	NA
02-004	Low Wine Condenser	NA
02-006	High Wine Condenser	NA
02-007	Whiskey Tank	NA
02-008	Heads and Tails Tanks	NA
02-009	Stripper Still	NA
02-010	Retention Tank	NA
04-001	Cistern Tanks	NA
04-003	Regauge Tanks	NA
04-004	Tanker Loading	NA
05-001	Fuel Oil Storage Tank	NA
05-004	Coal Stockpile	401 KAR 63:010
05-005	Coal Transport	401 KAR 63:010
05-006	Coal Loading	401 KAR 63:010
05-008	Ash Pit	401 KAR 63:010
05-009	Ash Storage Pile	401 KAR 63:010
05-010	Ash Loading	401 KAR 63:010
07	Maintenance Operations	NA
08	Wastewater Treatment System	NA
09	Process Cooling	401 KAR 63:010
10	Miscellaneous Storage Tanks	NA
11	Mobile Sources	401 KAR 63:010

**SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**

1. As required by Section 1b of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. Particulate matter, sulfur dioxide, and visible emissions, as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.

## **SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS**

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

1. Pursuant to Section 1b (IV)1 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a. Date, place as defined in this permit, and time of sampling or measurements;
  - b. Analyses performance dates;
  - c. Company or entity that performed analyses;
  - d. Analytical techniques or methods used;
  - e. Analyses results; and
  - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections] 1b(IV) 2 and 1a(8) of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
  - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
  - b. To access and copy any records required by the permit;
  - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Section 1b (V)1 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

6. The semi-annual reports are due by January 30th and July 30th of each year. [Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3\(3\).](#) All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
  - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Regional Office listed on the front of this permit within [30 days](#). Other deviations from permit requirements shall [be included in the semiannual report required by Section F.6](#) [Section 1b (V) 3, 4. of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
  - a. Identification of the term or condition;
  - b. Compliance status of each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent;
  - d. The method used for determining the compliance status for the source, currently and over the reporting period.
  - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

**SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality  
Frankfort Regional Office  
643 Teton Trail, Suite B  
Frankfort, KY 40601

U.S. EPA Region 4  
Air Enforcement Branch  
Atlanta Federal Center  
61 Forsyth Street  
Atlanta, GA 30303-8960

Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, KY 40601

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.
11. Pursuant to Section VII (3) of the policy manual of the Division for Air Quality as referenced in 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork.

## SECTION G - GENERAL PROVISIONS

### (a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 and of the Clean Air Act and is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a, 3 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020 Section 26].
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a, 6 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
  - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
  - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the conditions of this permit [Section 1a, 7,8 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a, 14 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a, 4 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].
8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a, 15 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a, 10 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3)(b)].
11. This permit does not convey property rights or exclusive privileges [Section 1a, 9 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26].
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3)(d)].
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3)(a)].
15. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

16. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of issuance. Compliance with the conditions of a permit shall be considered compliance with:
- (a) Applicable requirements that are included and specifically identified in the permit and
  - (b) Non-applicable requirements expressly identified in this permit.

(b) Permit Expiration and Reapplication Requirements

- 1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
- 2. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:020 Section 8(2)].

(c) Permit Revisions

- 1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
- 2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements

NA

(e) Acid Rain Program Requirements

NA

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

(f) Emergency Provisions

1. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
  - a. An emergency occurred and the permittee can identify the cause of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
  - d. Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
  - e. This requirement does not relieve the source of other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center  
P.O. Box 3346  
Merrifield, VA, 22116-3346

2. If requested, submit additional relevant information to the Division or the U.S. EPA.

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
  - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
  
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

**SECTION H - ALTERNATE OPERATING SCENARIOS**

None

**SECTION I - COMPLIANCE SCHEDULE**

None